



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

December 3, 2015

BY EMAIL

William H. Hyatt, Jr., Esq.
Coordinating Counsel
K & L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285

Re: Lower Passaic River Study Area Portion of the Diamond Alkali Superfund Site
Administrative Order on Consent, CERCLA Docket No. 02-2007-2009
Revised Performance Guarantee for Remedial Investigation/Feasibility Study

Dear Mr. Hyatt:

Pursuant to Paragraph 100 of the Administrative Order on Consent, CERCLA Docket No. 02-2007-2009, this will advise that the Environmental Protection Agency (EPA) has determined that the funds in the Trust Fund account that comprises the Performance Guarantee under the AOC are insufficient to provide for the full and final completion of the Work.

Taking into account currently outstanding invoices, as well as the work that will be needed to respond to EPA's comments on draft reports and to complete the modeling work, EPA estimates that an additional \$3 million is needed to assure complete performance of remedial investigation and feasibility study (RI/FS). To assure performance, the Settling Parties should deposit \$500,000 in the Trust Fund by February 1, 2016, an additional \$2 million by March 1, 2016, and an additional \$500,000 by June 1, 2016.

Please prepare an amendment to Trust Agreement for the Lower Passaic River Study Area Portion of the Diamond Alkali Superfund Site Dated May 10, 2007 reflecting this change, for EPA's review.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jennifer LaPoma", is written over the "Sincerely yours," text.

Jennifer LaPoma, Remedial Project Manager
Lower Passaic River Study Area RI/FS

cc: S. Flanagan, EPA